

**Communication between EPA and Teck Cominco regarding
contamination south of US-CAN border**

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4/10/03

Date	Present	Communication
May 2002 meeting	Teck Cominco Trail - Randy Sentis, Manager Environment Health & Safety - Bill Duncan, Senior Biologist BC Water Land & Air Protection [provincial government] EPA - Tonel, Grandinetti Ecology	Cominco Trail: Cominco will not conduct sampling south of the border due to sovereignty and jurisdiction issues. Their attorneys have advised them not to conduct sampling south of the border because of concerns for liability.
August 2002 meeting	Teck Cominco Trail - Randy Sentis, Bill Duncan Western Washington University Teck Cominco consultants Environment Canada [federal government] BC Water Land & Air Protection [provincial government] EPA - Tonel, Grandinetti, Duncan Ecology	EPA: Are there any plans by Cominco to extend its ongoing ecological risk assessment south of the border? Would Cominco engage in discussions with stakeholders in the U.S. on a RI/FS south of the border? Cominco Trail [Randy Sentis]: "Cominco will not be party to any negotiations where the Tribe is at the table. Why would we want to gather information that could potentially be used against us."
Nov/Dec 2002		Tonel provided copies of SF Alternative Site guidance to Teck Cominco Trail and Teck Cominco American reps
December 2002 meeting	Teck Cominco American Inc. (TCAI) - David Godlewski, Manager Environmental & Public Affairs - Bruce DiLuzio, VP, Law and Administration Teck Cominco Limited - Walter Kuit, Director Environmental Affairs EPA - Pirzadeh, Croxton, Grandinetti, Tonel, McKenna DOJ - Fred Phillip	TCAI: Proposal is to "convene an independent third party consensus driven group to answer questions about contamination" covering both human health and the environment Don't know: funding source, members, roles, process framework, technical guidelines and standards, EPA's role. "EPA can't be driver of the bus, maybe a cop - can tell group to go faster" Confirmed they have copy of SF Alternative Site guidance. "Teck Cominco Trail and Teck Cominco Limited are not parties to the proposal."
January 9, 2003	EPA letter to Teck Cominco American [M. Pirzadeh to D. Godlewski]	EPA ltr requesting additional information on TCAI proposal Response requested by February 10, 2003



Date	Present	Communication
March 7, 2003 phone conv	Teck Cominco Trail - Mark Edwards, Manager Environment Health & Safety EPA - Tonel	Tonel: Are there any plans by Teck Cominco Trail to engage with EPA in a Superfund Alternative Site approach in investigating contamination south of the border? Edwards: "Any alternative proposal to investigate contamination south of the border will come from Teck Cominco American, not Teck Cominco Trail."
March 20, 2003 conference call	Teck Cominco Trail - Mark Edwards, Manager Environment Health & Safety EPA - Eaton, Croxton, Grandinetti, Tonel	Edwards: "Cominco Trail has no plans to extend work (ongoing risk assessment) down into the U.S. Teck Cominco American is taking the lead on issues south of the border."

Date	Present	Communication
April 9, 2003 meeting	<p>Teck Cominco American Inc. - David Godlewski, Manager Environmental & Public Affairs</p> <p>EPA - Eaton, Croxton, Kawabata, Grandinetti, Tonel, McKenna</p>	<p>Godlewski: <u>TCAI proposes a study framed to answer 3 questions:</u> “Are the beaches safe for children to play in; Is the water good to drink; Are the fish good to eat.”</p> <p>TCAI “sees eco risk and human health as separate issues. Human health is easier to study and grasp than eco risk” <u>Don’t know:</u> process framework, technical guidelines, standards <u>Funding:</u> “TCAI has less than \$1M approved for this” <u>Tolling agreement:</u> “TCAI is willing to consider but is cautioned because of other PRPs. There should be effort to get other parties to sign tolling agreement” <u>Timing:</u> “study should take no longer than 2 years” “going to do this in any case regardless of any listing” <u>Tribes:</u> Not yet met with Tribes. TCAI is contacting tribal representatives. <u>EPA’s role:</u> “don’t know, could have umpire role”</p> <p>TCAI confirmed it has copy of SF Alternative Site guidance <u>TCAI’s reasons for not engaging in SF Alternative approach:</u> “concerned about liability by entering into an Agreement; encumbers them; takes away their legal defenses; requires more than what they are willing to put on the table; outcome may be different; does not want attys to get involved & turn it into rigid process”</p> <p>TCAI “would like EPA to place hammer behind its back for proposed study. If EPA pursues CERCLA process could get ugly and bad.”</p>
April 10, 2003	EPA letter to Teck Cominco American Inc. (Eaton to D. Godlewski)	Letter requests proposal in writing so that EPA can consider. Written response requested by May 1, 2003